THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 857 of 2006

DATED 17-01-2006

Between:

1. Boggavarapu Gokula Krishna and another.

..... PETITIONERS

AND

1. Kakinada Municipal Corporation, rep.by the Commissioner, Kakinada, East Godavari District and another

.....RESPONDENTS

HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.857 OF 2006

ORDER:

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It is stated that the petitioners are the owners of the house bearing D.No.20-1-20 situated at Main Road, Kakinada Municipal Corporation and the portion of the said property is sought to be demolished for the purpose of widening the road. It is further stated that they have not encroached any land belonging to the respondents and they have constructed the house in their own

land. While so, the respondents are asking the petitioners to surrender the portions of the property for the purpose of widening the road, as the Kakinada Municipal Corporation decided to widen it. It is stated that the petitioners are not against the widening of the road, but their only grievance is that without following due procedure prescribed under law, they cannot be deprived of their property.

It is always open for the respondents to acquire the land/immovable property by way of an agreement under Section 146 of the Hyderabad Municipal Corporation Act, and if no such agreement is arrived at, they can acquire the land in accordance with Section 147 of the Hyderabad Municipal Corporation Act, which is also applicable to the Kakinada Municipal Corporation.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the property of the petitioners without following due procedure prescribed under Sections 146 and 147 of the Hyderabad Municipal Corporation Act. No order as to costs.

17th January, 2006

SKM